

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

BOARD OF TRUSTEES OF THE PLUMBERS,
PIPEFITTERS & MECHANICAL EQUIPMENT
SERVICE, LOCAL UNION NO. 392 PENSION
FUND *et al.*, : Case No. 13-CV-0004

Plaintiffs, : Judge Michael R. Barrett

vs. :

SUSAN L. HUMBERT d/b/a GENESIS
MECHANICAL, an individual and sole
proprietor; : STIPULATED JUDGMENT
STEVEN L. HUMBERT d/b/a GENESIS
MECHANICAL, an individual and sole
proprietor; : ORDER

STEVE REECE formerly d/b/a GENESIS
MECHANICAL SERVICES, an individual and
sole proprietor; and :
GENESIS MECHANICAL SERVICES, INC., an
Ohio Corporation; :
:

Defendants. :

Plaintiffs, the BOARD OF TRUSTEES OF THE PLUMBERS, PIPEFITTERS &
MECHANICAL EQUIPMENT SERVICE, LOCAL UNION NO. 392 PENSION FUND *et al.*
("Trust Funds"), by and through their counsel, Joseph E. Mallon and Jeffrey A. Krol of Johnson
& Krol, LLC, the Defendants STEVEN HUMBERT ("Steven") and SUSAN HUMBERT
("Susan"), by and through their counsel, Douglas M. Morehart of Haverkamp Riehl & Michel, Co.
LPA, and the Defendant STEVE REECE ("Reece") and GENESIS MECHANICAL SERVICES,
INC. ("GMSI"), by and through his counsel, Bryce J. Yoder and Caroline K. Musekamp of
Keating, Muething & Klekamp, PLL, hereby stipulate to entry of a Judgment in favor of the
Plaintiffs as follows:

WHEREAS, on February 23, 2016, the Court granted Plaintiffs' motion for summary judgment on the issue of liability against Steven, Susan, Reece, and GMSI (Doc. 61);

WHEREAS, the February 23, 2016 order granted Plaintiffs leave to petition the Court for entry of judgment in sum certain to include all contributions revealed by a payroll compliance audit, including liquidated damages resulting from the unpaid contributions and Plaintiffs' attorney's fees and costs (Doc. 61);

WHEREAS, on March 30, 2017, the Court granted Reece and GMSI's Motion for Reconsideration and/or Clarification, in part, and denied Steven and Susan's Motion for Reconsideration and/or Clarification (Doc. 84);

WHEREAS, there being no dispute amongst the Parties as to the amount of damages due Plaintiffs based upon the Court's March 30, 2017 decision as to liability and Plaintiffs' payroll compliance audit for the period of January 1, 2010 through August 11, 2011, the Parties agree to the entry of a Stipulated Judgment in accordance with the terms below:

IT IS HEREBY STIPULATED AND ORDERED AS FOLLOWS:

1. Judgment is hereby entered in favor of the Plaintiffs and against the Defendants Steven, Susan, and Reece, jointly and severally, in the amount of \$45,304.16, which is itemized as follows:
 - A. \$41,948.30 in contribution deficiencies as revealed by the Plaintiffs' payroll compliance audit during the period of January 1, 2010 through August 11, 2011; and
 - B. \$3,355.86 in liquidated damages resulting from the \$41,948.30 in contribution deficiencies.

2. The Plaintiffs are authorized to petition the Clerk of Court for an award of costs and the Court for an award of attorney's fees in accordance with Local Rule 54.1 and Rule 54 of the Federal Rules of Civil Procedure.

s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court

Agreed and So Stipulated:

**BOARD OF TRUSTEES OF THE
PLUMBERS, PIPE FITTERS &
MECHANICAL EQUIPMENT SERVICE,
LOCAL UNION NO. 392 PENSION FUND,
*et al.***

/s/ Joseph E. Mallon
Joseph E. Mallon (0085786)
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**SUSAN L. HUMBERT and
STEVEN L. HUMBERT**

/s/ Douglas M. Morehart
Douglas M. Morehart
*Counsel for Defendants Steven and Susan
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**GENESIS MECHANICAL SERVICES,
INC. and STEVE REECE**

/s/ Bryce J. Yoder
Bryce J. Yoder
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